

## REMARKS

Please reconsider the application in view of the above amendments and following remarks. In the Office action mailed on January 29, 2004, claims 1 and 7 were rejected under 35 U.S.C. § 102(a) as being anticipated by Buser et al. Claim 5 was rejected as being anticipated by Turtzo. Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Buser et al. in view of Vincent. Claims 1-4 and 10 were rejected under 35 U.S.C. § 112 as being indefinite. Claim 6 was indicated to be allowable if rewritten in independent form. Applicants have amended the claims in response to the § 112 issues.

### **35 U.S.C. § 112**

Claims 1-4 and 10 were rejected under 35 U.S.C. § 112, as being indefinite. Specifically, the Examiner said "Claim 1 fails to recite automatic tension setting structure for achieving the claimed automatic method setting method." Applicants disagree that claim 1, as originally presented, is indefinite under 35 U.S.C. § 112. However, for the purpose of advancing prosecution in this application, applicants have cancelled claims 1 and 2, and amended 3, 4 and 10 to depend from claim 7, which was not rejected under 35 U.S.C. § 112. Therefore, all dependent claims, as amended, fully comply with 35 U.S.C. § 112.

The Examiner also objected to the specification because he said the term "pelvic fixator" is not found in the Specification. Applicants respectfully direct the Examiner's attention to the specification at page 5, lines 17-20. Applicants have made the amendment recommended by the Examiner on page 9, line 15, changing "not shown" to --shown--.

**35 U.S.C. § 102**

Claims 3, 4, 8, and 10 depend from claim 7. The only rejection of claim 7 was under 35 U.S.C. § 102(a) as being anticipated by Buser et al. Applicants respectfully traverse this rejection.

Claim 7, as amended, recites the step of securing a belt at a tension in the range of approximately 150 N to 250 N. Further, applicants amended claim 7 to recite the step of applying "circumferential even hoop stress around a person's pelvis." Support for this amendment can be found in the specification on page 8, line 19-22. The Buser reference fails to teach or suggest the recited tension range, or the generation of even hoop stress around a person's pelvis. In contrast, Buser uses inflatable bladders that are positioned laterally against the hip. Inflation of these bladders causes a substantial lift of the belt from the abdomen and the back of the patient while simultaneously generating opposing forces of a magnitude greater than 500-pounds. Thus, Buser teaches away from applicants' method of applying even hoop stress to avoid the lateral compression that occurs with Buser's device. In fact, lateral compression may cause further injury. The claimed pelvic sling is sometimes applied to patient's that have sustained a lateral compression fracture. In these cases, it is important to apply evenly distributed circumferential compression, while purposely limiting lateral compression.

Buser et al. proposes a force of greater than 500-pounds (equal to 226-kilograms) to be applied laterally on the patient's hip. Even assuming a high estimate, the claimed method uses a device in the recited tension range which would apply

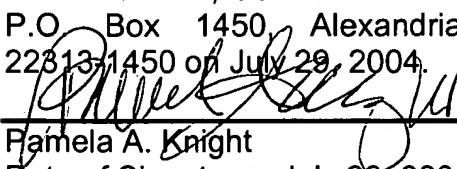
approximately 5-kilograms of pressure to the hip, i.e., 35 times less than taught by Buser. Accordingly, claim 7, and all dependent claims are patentable over Buser.

Claim 5 was rejected under 35 U.S.C. § 102(a) as being anticipated by Turtzo. There appears to be a misunderstanding. Turtzo's external fixation device is a mechanical structure integrated in a back brace design. A person of ordinary skill in the field of the treating a fractured pelvis, would understand the term "pelvic fixator" refers to a commonly-used orthopedic external fixation device, which is constructed of interconnected half-pins, which are fixed in the superior aspect of the pelvic crust in an invasive manner. This type of orthopedic external fixator can be difficult to apply if the pelvic ring is severely disrupted. In this case, the pelvic sling provides and maintains reduction of the pelvic ring until the external fixator can be applied. Since the external fixator is applied higher than the pelvic sling, the two interventions do not conflict or interfere.

Applicants believe all of the pending claims are in condition for allowance. Please contact applicants' undersigned attorney if there are any additional issues to address.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 29, 2004.

  
Pamela A. Knight

Date of Signature: July 29, 2004

Respectfully submitted,

KOLISCH HARTWELL, P.C.



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Pierre C. Van Rysselberghe  
Registration No. 33,557  
Customer PTO No. 23581  
of Attorneys for Applicants  
200 Pacific Building  
520 SW Yamhill Street  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679